FILED
AUG 26 1980
MICHAEL RODAK, JR., CLERK

NO. 80-288

In the
Supreme Court of the United States

October Term, 1979

In the Matter of
HARTFORD TEXTILE CORPORATION,
OXFORD CHEMICALS, INC.
WELLINGTON PRINT WORKS, INC.,
Debtors.

ROSE SHUFFMAN, As Executrix of
the Estate of OSCAR SHUFFMAN, Deceased,
Petitioner,

—against—

HARTFORD TEXTILE CORPORATION,
OXFORD CHEMICALS, INC.
WELLINGTON PRINT WORKS, INC.,
Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

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Printinghouse Press – Bar Ass'n Steno Serv. (Appeals Section) 212-840-1891

QUESTIONS PRESENTED

1. Whether, under the Canons of Judicial Ethics and Article III of the Constitution, it is an abuse of discretion and breach of duty for a Federal Court to direct an attorney to undertake representation of a client which has a conflict of interest with an existing client, where such representation is a violation of Disciplinary Rule 5-105 (C) and Ethical Consideration 5-15 of the Code of Professional Responsibility, as enunciated and determined by the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York?

The Court of Appeals for the Second Circuit inherently answered this question with an incredible "no".

2. Whether, under 28 U.S.C. 144 and 455, it is an abuse of discretion and breach of duty for Judges of the United States Court of Appeals for the Second Circuit to deny a request for their recusal for bias prejudice and impropriety during the pendency of formal charges against them to that effect, and after the Gannett Newspapers published an article entitled "Attorney charges 'judicial Watergate'" in which the newspaper charged that "ample documentation to prove that . . . " the Judges were engaged in a criminal conspiracy to obstruct justice as part of a cover up of a fix existed?

The Court of Appeals again answered this question in the negative.

3. Whether, under 28 U.S.C. 144 and 455, it is an abuse of discretion and breach of

duty for Judges of the Court of Appeals to deny a request for their recusal for bias, prejudice and impropriety after having entered an unprecedented two dozen 'en banc' orders against Petitioner and his client, including one for disciplinary proceedings against Petitioner, which Orders are best categorized by the following excerpt from a recent Second Circuit Opinion reported at 613 F.2d 388 (1979), to wit:

> At some point the principal focus of Shuffman's attacks shifted from the substance of her claim in the Chapter XI proceedings, to a plethora of unfounded charges that those proceedings were "fixed" by opposing counsel, who thereby perpetrated a "massive swindle" of the creditors, and that various judges have "fixed" cases. Shuffman has never produced a shred of evidence to substantiate her scandalous charges; they can most charitably be termed "fanciful."

which Opinion was followed five weeks later by the Gannett Newspaper article which charged that "ample documentation to prove" Petitioner's charges in fact existed?

Inherent in the Court of Appeals decision was that there was no abuse or breach of duty.

4. Whether, under In re Grand Jury Investigation, 610 F.2d 202 (5th Cir, 1980), articles in the Gannett Newspapers and others, relying upon official government sources, and charging payoffs, filing false documents and forgery as an integral part of a massive judicial conspiracy to obstruct justice as

part of a cover up of a fix to protect a powerful law firm, which cover up has been reported to have reached as high as the United States Supreme Court, the Attorney General and Solicitor General of the United States and further supported by the "ample documentation" relied upon by Gannett, constitute a prima facie showing of wrongdoing in order to require an evidentiary hearing into charges of bias, prejudice and impropriety requiring the recusal and disqualification of Judges?

The Court of Appeals obviously refused to allow an evidentiary hearing which would establish its participation in a conspiracy to obstruct justice as part of a cover up of a fix.

5. Whether, under Hazel Atlas Glass Co. v. Hartford Empire Co., 322 U.S. 238 (1944), and Rule 19 of the Supreme Court Rules, the Supreme Court has a duty to exerciseits supervisory powers over inferior Federal Courts and direct the disqualification and recusal of Judges who participated in a fraud upon the Supreme Court, Petitioner and his client by covering up the alteration, falsification and forgery of a legitimate Court Order, which false document was the subject of Supreme Court review in Case No. 77-1812 prior to the uncovering of "ample documentation" establishing its illigitimacy?

The Supreme Court has thus far refused on several related Petitions, to restore integrity to or to preserve honest judicial administration, prompting one respected newspaper to accuse it of knowingly practicipating in the conspiracy and cover up.

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Debtors.	:
ROSE SHUFFMAN, As Executrix of The Estate of OSCAR SHUFFMAN, DECEASED,	:
Petitioner,	:
v.	:
HARTFORD TEXTILE CORPORATION, OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC.,	:
Respondents.	:

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

The petitioner prays that a writ of certiorari issue to review the Judgment of the United States Court of Appeals for the Second Circuit, entered April 10, 1980.

OPINIONS BELOW

The United States Court of Appeals for the Second Circuit wrote no opinion in affirming the District Court's Order denying Petitioner's* Cross-motion to disqualify the law firm of Weil, Gotshal & Manges from defending on appeal the Bankruptcy Court's orders for sanctions and contempt against Petitioner. The Order affirming the District Court's Order is reprinted at Appendix A-1, infra.

JURISDICTION

The Order of the United States Court of Appeals for the Second Circuit was entered on April 10, 1980. The en banc order of the United States Court of Appeals for the Second Circuit denying the suggestion for en banc rehearing of the April 10, 1980 order was entered on May 29, 1980, and is reprinted at Appendix A-3, infra. The order of the United States Court of Appeals denying rehearing of the April 10, 1980 order was entered on May 29, 1980, and is reprinted at Appendix A-4, infra.

The Order of the United States Court of Appeals denying Petitioner's motion for an order of recusal of judges and/or stay of oral argument pending petition to the Supreme Court is reprinted at Appendix A-6, infra.

The jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1254.

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*As used herein, "Petitioner" refers to David K. Shuffman, as attorney for both Rose Shuffman, as Executrix of the Estate of Oscar Shuffman, Deceased, and the late Oscar Shuffman.

QUESTIONS PRESENTED

1. Whether, under the Canons of Judicial Ethics and Article III of the Constitution, it is an abuse of discretion and breach of duty for a Federal Court to direct an attorney to undertake representation of a client which has a conflict of interest with an existing client, where such representation is a violation of Disciplinary Rule 5-105 (C) and Ethical Consideration 5-15 of the Code of Professional Responsibility, as enunciated and determined by the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York?

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STATEMENT OF FACTS

A. Proceedings in the Bankruptcy Court

On October 25, 1978, the Bankruptcy Court referred a Complaint charging the debtors and their counsel with various acts in violation of 18 U.S.C. 152 to the United States Attorney's Office for investigation under 18 U.S.C. §3057. At the time of the Court's action, the appeal of Bankruptcy Court's original order and amended order denying Petitioner's client's claim was 'sub judice' in the Court of Appeals.

On December 8, 1978 just two days after the Court of Appeals affirmed the lower Court's orders, and in response to a Motion for Sanctions etc., and to revoke the fee awarded to debtors' counsel made by Petitioner herein on behalf of his client, the Bankruptcy Court reiterated on the Record that he had told the United States Attorney's office that debtors and their counsel had "lied", and further categorized the entire Chapter XI proceedings as a "ripoff" of everybody. Though acknowledging that debtors counsel had perpetrated a fraud on the Court, the motion was denied because the Court stated that it lacked jurisdiction Post-Confirmation to impose sanctions or to revoke the fee.

In denying the motion for an "alleged" lack of jurisdiction, the Court failed to Judicially Notice three of its prior orders in which Post-Confirmation jurisdiction was either specifically reserved and/or in fact exercised. The first was the Order of Confirmation and Discharge, which specifically reserved jurisdiction Post-Confirmation over Fee Applications. The second was an order

which approved the Fee Application 18 days after the Order of Confirmation and Discharge was signed. The third was an Amended Order dated August 26, 1977, which increased the amount of Petitioner's client's claim and further ordered the client paid additional monies for the period from September 5, 1974, the date of Confirmation and Discharge, until December 31, 1974 as an expense of administration.

The Bankruptcy Court, while denying the motion seeking sanctions against debtors' counsel for an alleged 'lack of jurisdiction' imposed sanctions of $250.00 on Petitioner herein under 28 U.S.C. § 1927 for bringing the motion. The Bankruptcy Court cited as its reasoning the third footnote in the Per Curiam Opinion of the Court of Appeals for the Second Circuit, reported at 588 F.2d 872 (1978), in which that Court not only affirmed the Amended Order of the Bankruptcy Court which ordered the Post-Confirmation payments, but also affirmatively stated that the Bankruptcy Court lacked jurisdiction to approve the payments from September 5, 1974 until December 31, 1974, which payments the Court of Appeals was in fact affirming.

The Bankruptcy Court then appointed debtors' counsel to draft an Order and represent the Court and the United States on Petitioner's appeal to the District Court of the order imposing sanctions under 28 U.S.C. § 1927.

On January 9, 1979, the Bankruptcy Court also imposed a fine of $50 upon Petitioner for contempt. Again, the Court appointed debtors' counsel to draft the order and represent it and the United States on the

appeal of the contempt order, despite the reference of the Complaint against them to the United States Attorney.

B. Ancillary Proceedings

On January 28, 1979, a weekly Manhattan newspaper, OUR TOWN, began the first of its ten part series detailing what it called the "fix" by the Bankruptcy Court and "cover up" by the District Court and Court of Appeals to protect debtors' counsel, who are a large prestigious Fifth Avenue firm, and the Bankruptcy Judge.

The United States Attorney was quoted in one of those articles as having said that in response to the Bankruptcy Court's complaint, he referred the documentation in his possession to the Federal Bureau of Investigation for further inquiry.

C. Proceedings in the District Court

Petitioner retained the services of Messrs. Clark, Wulf, Levine & Peratis, the Clark being Ramsey Clark, former Attorney General of the United States, to represent him in connection with the appeals, which debtors' counsel, now representing the Bankruptcy Court and the United States, moved to have consolidated.

At the hearing of the motion to consolidate and the Cross-motion to disqualify Weil, Gotshal & Manges, Petitioner's counsel, Melvin Wulf, Esq., former director of the Civil Liberties Union, and a partner at Clark, Wulf, Levine & Peratis, called for the disqualific-

ation of Weil, Gotshal & Manges from representation of the United States because of what he termed the "serious charges" of wrongdoing pending against the law frim and the Judge.

Argument was also made by Petitioner that Weil, Gotshal should be disqualified entirely because of their participation in what the Bankruptcy Court stated on October 25, 1978 were violations of Title 18, U.S.C. 152, which provided the foundation for the Court's reference of the Complaint to the U.S. Attorney.

At the close of the argument, the District Court denied the Cross-motion, while granting the request to consolidate.

D. Proceedings in the Court of Appeals

Petitioner appealed to the Court of Appeals from that portion of the District Court's Order which denied the Cross-motion to disqualify debtors' counsel from representing the Bankruptcy Court on the sanctions and contempt appeals.

Prior to the argument of the Appeal in the Court of Appeals on April 10, 1980, the Second Circuit, in two Opinions authored by Amalya Kearse, unanimously reversed a District Court order which imposed a sua sponte permanent injunction issued without notice, without a hearing and without a request therefore, which injunction barred Petitioner from filing any new papers in the Chapter XI, while upholding the same District Court's Order denying a request for recusal for bias, prejudice and impropriety.

As part of those Opinions, Judge Kearse wrote:

> At some point the principal focus of Shuffman's attacks shifted from the substance of her claim in the Chapter XI proceedings, to a plethora of unfounded charges that those proceedings were "fixed" by opposing counsel, who thereby perpetrated a "massive swindle" of the creditors, and that various judges have "fixed" cases. Shuffman has never produced a shred of evidence to substantiate her scandalous charges; they can most charitably be termed "fanciful." (underscoring provided)

The Opinions were concurred in by Eastern District Judge John Dooling sitting by designation, who, despite his concurrence, never bothered to review the documents in the file which to this day remain in cartons in storage in the Bankruptcy Court.

On February 3, 1980, five weeks after the Kearse Opinions were handed down, the Gannett Newspapers published an article entitled "Attorney charges 'judicial Watergate,'" in which Gannett concluded:

> In defense of his claims against the courts, Shuffman argues and provides ample documentation to prove that: He was denied a full hearing by the U.S. Bankruptcy Court from which his lengthy case evolved; a secret meeting between U.S. Bankruptcy Judge Roy Babitt and Shuffman's adversaries was held to settle the original bankruptcy case in apparent violation of court

> procedure; a staff attorney for the U.S. Court of Appeals altered a decision creating a snafu and blocking the court's intended resolution of the case; evidence exists that before a U.S. Court of Appeals panel voted to deny a Shuffman motion before hearing had been held on the matter; and that Shuffman's adversaries filed false petitions in bankruptcy court. (underscoring provided)

The article, in addition to detailing numerous crimes committed by the debtors and their attorneys, reported that the U.S. Attorney's Office considered the matter still "open".

During the argument in the Court of Appeals on April 10, 1980 of the District Court Order denying the motion for disqualification of debtors' counsel from representing the Bankruptcy Court and the United States, which Order was affirmed, counsel for the debtors volunteered to the Court that he had discussed the matter with the United States Attorney, who told him he had no objection to his firm's appearance on the appeal representing the Court and the United States despite the pendency of his Office's investigation.

SUMMARY OF THE ARGUMENT

In Reading Company v. Brown, 88 S.Ct. 1759 (1968), this Court indicated that certiorari will be granted where there is presented an important issue of first impression dealing with the administration of the bankruptcy laws. The case at bar, it is respectfully submitted, falls squarely within this criteria because it deals with:

(1) a question of law -- yet to be settled by this Court, as to whether a Federal Judge may direct an attorney to violate Disciplinary Rule 5-105 (C) and Ethical Consideration 5-15 of the Code of Professional Responsibility [See Ethics Opinion of the Committee of Professional and Judicial Ethics of the Association of the Bar of the City of New York; New York State Opinion 489 (1978); Accord, New York County Opinion 620 (1973)].

(2) the duty of this Court to take judicial notice of the Record below, and to vacate an order which was predicated upon a fraud by the Court upon Petitioner, and which perpetuates a fraud and an injustice, pursuant to Hazel-Atlas Glass Co., v. Hartford Empire Co., 322 U.S. 238 (1944); Pepper v. Litton, 308 U.S. 295 (1939) and in accordance with its Rule 19 supervisory powers.

(3) another question of law, yet to be resolved by this Court, as to whether articles in Gannett and other newspapers charging the Judges of the United States Court of Appeals for the Second Circuit and others, including Supreme Court Justices with criminal misconduct including inter alia, conspiracy to

obstruct justice, conspiracy to violate civil rights, forgery and misprision of felony, based upon documentary evidence and official sources, constitute a sufficient prima facie showing of a violation of 28 U.S.C. 455 and the pertinent provisions of Title 18, United States Code to warrant an evidentiary hearing on Petitioner's Motion for Recusal of Judges, etc. before such motion can be denied. [See In re Grand Jury Investigation, 610 F.2d 202, (5th Cir., 1980)].

(4) the duty of this Court to insure the honest administration of justice in the lower Federal Courts through a grant of certiorari, when news articles in the Gannett Newspapers and elsewhere charge Judges of the United States Court of Appeals for the Second Circuit and others with violating the criminal laws of the United States, and this Court with obstructing justice to cover up for the lower Courts. [See, Gannett Westchester Newspapers, February 3, 1980; OUR TOWN, Jan., Feb., April, May, June, Oct. Nov., 1979; and the Associated Press, October 19, 1978.]

(5) Substantive due process questions in the administration of the laws as to whether the proceedings below, taken as a whole, are contrary to the Article III duty to honestly administer justice.

As a result, we respectfully submit, the case at bar justly warrants the granting of this petition, which will undoubtedly clear up ambiguities in the administration of the laws and the clouds surrounding the administration of justice in general, as reported extensively in the media.

ARGUMENT

Rule 19 of the Rules of the Supreme Court states in part, that:

> 1. A review on writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor.

The Rule continues by listing the character of reasons which will be considered, including:

> (b) Where a court of appeals has rendered a decision in conflict with the decision of another court of appeals on the same matter; or has decided an important state or territorial question in a way in conflict with applicable state or territorial law; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision. (underscoring provided)

The case at bar, it is respectfully submitted, falls squarely within the above enumerated criteria because it presents a situation where the Courts below, having made numerous clearly identifiable errors, have refused to correct same, and have instead embarked upon a kafka-esque course where such errors are relied upon, expanded upon and compounded in violation of the Article III duty to honestly administer justice.

The actions of the Court below have spawned more than a dozen newspaper exposes, the most recent of which appeared in the Gannett Newspapers. Under the headline "Attorney charges judicial Watergate,'" Gannett reported:

> The judges, whom Shuffman accuses -- on the court record and to their faces -- of conspiring to cover-up careless legal errors and making an "accomodation" to a powerful law firm, are members of what has been referred to as "the crown jewel" of the federal court system, often regarded as one of the most prestigious of all U.S. courthouses.
>
> In defense of his claims against the courts, Shuffman argues and provides ample documentation to prove that: He was denied a full hearing by the U.S. Bankruptcy Court from which his lengthy case evolved; a secret meeting between U.S. Bankruptcy Judge Roy Babitt and Shuffman's adversaries was held to settle the original bankruptcy case in apparent violation

> of court procedure; a staff attorney for the U.S. Court of Appeals altered a decision creating a snafu and blocking the court's intended resolution of the case; evidence exists that before a U.S. Court of Appeals panel voted to deny a Shuffman motion before a hearing had been held on the matter; and that Shuffman's adversaries filed false petitions in bankruptcy court. (underscoring provided)

A. Federal Judges May Not Direct An Attorney to Violate the Code of Professional Responsibility

According to a recent Ethics Opinion of the Committee on Professional and Judicial Ethics of the Association of the Bar of the City of New York it is improper for an attorney to undertake representation of a client which has a potential conflict with an existing client, even where the potential client is willing to refrain from raising the issue which might present the conflict.

The Opinion, No. 79-39 states, in pertinent part, as follows:

> DR 5-105(C) and EC 5-15 govern the representation of multiple clients with potentially conflicting interests. DR 5-105(C) allows such representation only if all clients consent and "it is obvious that [the attorney] can adequately represent the interests of each." In a litigation context, EC 5-15 narrows this rule further:

> "A lawyer should never represent in litigation multiple clients with conflicting interests: and there are few situations in which he would be justified in representing in litigation multiple clients with potentially differing interests."
>
> EC 5-15 also notes that one "should resolve all doubts against the propriety of [multiple] representation." These provisions have been construed "to mean that clients can never confer upon counsel the right to represent adverse parties in litigation." New York State Opinion 489 (1978) Accord. New York County Opinion 620 (1973).

The conflict becomes even greater when the violation is directed by a Judge who is supposed to be impartial. In the case at bar, the direction to debtors' counsel to represent the Court on its orders imposing sanctions and contempt on Petitioner came just six weeks after the Court directed Petitioner to file a Complaint in the Court's name with the United States Attorney against debtors and their counsel charging numerous violations of 18 U.S.C. § 152.

That the reviewing Courts would uphold such an ethical violation while the investigation or inquiry by the Federal prosecutor was still open further demonstrates a bias and prejudice stemming from the initial well in which the Judges were placed in the position of affirming a blatant accomodation made by the Bankruptcy Court to protect the

debtors and their counsel from exposure resulting from the filing of false Petitions, Statements and Schedules in bankruptcy.

The truth is the best lie. It is durable, and not easily forgotten. Lies beget other lies, as memories fade and crude attempts are made to cover up past lies.

When will the Honorable Justices wake up and realize they have placed themselves in the unenviable position of rubber stamping one lie after another. Prayfully, the High Court will realize it has been used, abused and made out to be fools by a powerful law firm whose only interests are preserving themselves, even if it means risking emasculating the integrity of the Supreme Court as an institution.

B. This Court has a duty to take "judicial notice" of the Record of the proceedings below, and to correct the results of a fraud and an injustice resulting from a "fraud by the [Bankruptcy] Court" upon the higher Courts and the Petitioner.

Pepper v. Litton, 308 U.S. 295 (1939); 8 Collier On Bankruptcy, 14th ed., Sec. 315; Hazel-Atlas Glass Co. v. Hartford Empire Co. 322 U.S. 238 (1944); and Brown v. Board of Education, 344 U.S. 1 (1952).

C. Newspaper accounts of official and judicial misconduct, attributed to official sources, constitute prima facie evidence of the charges, necessitating an evidentiary hearing on the question of recusal for bias and prejudice pursuant to 28 U.S.C. § 144 and 455.

In re Hartford Textile Corp. has become one of the most extraordinary cases in recent judicial history, both for the incoordinate amount of en banc orders (more than two dozen) and because of the increasing amount and tone of press coverage.

Recently, the Fifth Circuit in the Bert Lance case, In re Grand Jury Investigation, 610 F.2d 202 (5th Cir., 1980), held that published reports of official misconduct attributed to official sources constituted prima facie evidence to warrant an evidentiary hearing into the charges.

Given the contradictory and downright dishonest nature of the proceedings thus far, recent newspaper reports of judicial and official misconduct in the Hartford case, attributed to sources both within the Court of Appeals and the U.S. Attorney's Office, fall squarely within the parameters of the Lance decision necessitating an evidentiary hearing into the question of bias and prejudice. One such report, published in OUR TOWN, a respected Manhattan weekly, reads, in pertinent part, as follows:

Hartford Bazaar

With one short sentence, the U.S. Supreme Court, on Oct. 1, 1979

gave its official o.k. to a gorgeous fix and coverup in the case of Hartford Textiles Inc. The Court gave its official stamp of approval to a case fixed by Bankruptcy Judge Roy Babitt and subsequently covered up by half the judges in the Federal Courthouse in Foley Square. In a letter to East Side Lawyer David Shuffman, the Supreme Court said: "The Court today entered the following order in the above-entitled case;: The petition for a writ of certiorari is denied.

. . .

At Home In The Inquisition

Three weeks ago we reported that a remarkable twelve en banc orders, signed by every judge in the Second Circuit, had already descended on Shuffman's head. Since that time two more have been issued. According to the Federal Rules of Appellate procedure regarding en banc reviews, Hartford Textiles, Inc. . . the Shuffman case, is now the most exemplary case in the history of local federal courts.

Recent disclosures may help explain why. According to a reliable source, inside Judge Irving Kaufman's chambers, continuous secret meetings were held ten months ago to decide how to handle Shuffman. Present at these meetings, reportedly, were members of the Weil, Gotshal firm. (underscoring provided).

Under the recent ruling by the Fifth Circuit, a sufficient basis has been established to require an evidentiary hearing into the charges of bias, prejudice and the appearance of impropriety.

D. This Court has a duty to insure the honest administration of justice, which it has thus far failed to do.

The Record in the Courts below is filled with glaring examples of simple legal and factual errors induced by innumerable misrepresentations by debtors and their counsel. Petitioner's repeated efforts to undo the errors have resulted in conjuring up the repeated wrath of the Courts below, through the imposition of sanctions, contempt, disciplinary proceedings, a sua sponte permanent injunction (vacated upon appeal) and threats of other injunctions.

Petitioner and his client have a Constitutional right to due process of law and equal protection, even though the client is a widow who has gotten in the way of a large, powerful firm. Petitioner, it goes without saying, has an obligation to secure for her those Constitutional rights.

According to the editor of a major publishing house with whom Petitioner is now working:

> The clippings, in tandem with your press release, certainly add up to a potential bombshell.

It is obvious that if Petitioner can not seek redress of grievances in the Courts, he

has no other alternative than to pursue other available channels. Coming as it does on the heels of The Brethren, the story will undoubtedly shock the conscience of even the hardest-nosed listener. Such is the price one must pay in defense of liberty and justice.

E. Conclusion

The Courts below continue to trip over themselves in their efforts to cover up their initial mistakes and to protect a powerful law firm whose conduct has shocked the conscience of thousands of judges, lawyers and non-lawyers alike.

Unless this Court comes to grips with the grim reality of the Hartford fix and cover up, the Burger Court runs the substantial risk of earning the dubious distinction of being the most corrupt in the history of the United States.

Petitioner has not been heralded in the press as the "Frank Serpico" of the Federal Courts for nothing.

IMPORTANCE OF THIS PETITION

It is common knowledge that the Bankruptcy Court (Babitt, J.) fixed Petitioner's client's case in order to accomodate a large, prestigious firm active in the Bankruptcy Courts.

It is now also well known, courtesy of the Gannett Newspapers Associated Press and others, that approximately two dozen other Federal Judges, including every active Judge in the Second Circuit have engaged in a clumsy cover up in order to protect the Bankruptcy Judge and the large prestigious law firm.

Furthermore, as has been reported in the press, the Supreme Court of the United States has come to the lower Courts' rescue by taking a dive on previous Petitions in order to protect the cover up and prevent a scandal from disgracing a large segment of the Federal Judiciary.

As the Hartford case progresses, the lower Courts' actions deviate further and further from the usual and accepted course of judicial proceedings, going from the criminal to the comic to the absurd. In their latest departure, the lower Courts' have upheld the Bankruptcy Judge's direction that debtors' counsel violate the Code of Professional Responsibility in a futile effort to scare off Petitioner and to protect the cover up.

While the Courts valiantly but stupidly attempt to cover up one lie with another, debtors and their counsel have filed a brand new albeit fraudulent Chapter XI which must,

of necessity, undermine the Court's previous clairvoyant and fictitious findings if it is to succeed.

As powerful and immune as the Nine Honorable Men in the Supreme Court are, one would think that they would get tired of protecting a debtor and a law firm whose sole motivation is greed and whose most recent actions have only fueled the fires and reignited the interests of the press in the Hartford case and scandal.

More importantly, one would hope that the Nine Honorable Men in Washington have enough decency and integrity left to uphold the law, instead of upholding a fraud and an injustice perpetrated against a widow and her son. A great institution like the Supreme Court must not be exposed as the final stop in a maze of judicial corruption and stupidity, or be used by a bunch of petty thieves to line their own pockets at the High Court's expense.

If this Honorable Court is to indeed reign supreme, it is the duty of each and every Justice to insure equal justice under law. Thus far, this Court has done anything but uphold its lofty ideals and the Constitution.

The Supreme Court's tragic failure to due its duty has spawned a new era of lawlessness in the Courts, and has created a master race of attorneys who believe they are immune from punishment.

How much longer will the Supreme Court sit on its hands and its honor while this new breed of "criminal" attorneys walk all over it?

CONCLUSION

Petitioner respectfully prays that the petition for a Writ of Certiorari be granted.

Respectfully submitted,

DAVID K. SHUFFMAN
Attorney for the
Petitioner, Pro Se
14 East 60th Street
New York, New York 10022
(212) 755-0006

New York, New York
August 15, 1980

UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 10th day of April, one thousand nine hundred and eighty.

Present: HON. WILLIAMS H. TIMBERS
HON. AMALYA L. KEARSE
Circuit Judges
HON. HENRY F. WERKER
United States District Judge
Sitting by Designation

In re HARTFORD TEXTILE CORPORATION, OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC., Debtors.	:	79-5060
ROSE SHUFFMAN, As Executrix of the Estate of OSCAR SHUFFMAN, Appellant, v. HARTFORD TEXTILE CORPORATION, OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC., Appellees.	:	

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the order of said District Court be and it hereby is affirmed.

Appellant appeals from an order of the district court denying a cross-motion to disqualify the law firm of Weil, Gotshal & Manges from defending on appeal the Bankruptcy Court's orders for sanctions and contempt against appellant. Aside from baseless accusations, appellant states no reasons why the district court's denial of the cross-motion constitutes an abuse of discretion or otherwise is erroneous. We hold that the district court properly exercised its discretion in denying the motion.

/s/ Wm. H. Timbers
William H. Timbers

/s/ Amalya L. Kearse
Amalya L. Kearse

Circuit Judges

/s/ Henry F. Werker
Henry F. Werker

U.S. District Judge Sitting by Designation

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 29th day of May, one thousand nine hundred and eighty.

Present:

HON. WILLIAM H. TIMBERS
HON. AMALYA L. KEARSE,
Circuit Judges
HON. HENRY F. WERKER
Circuit Judges, District Judge

In the Matter of

HARTFORD TEXTILE CORP.,
OXFORD CHEMICALS, INC.,
WELLINGTON PRINT WORKS, INC.,
Debtors.

ROSE SHUFFMAN as Executrix of the Estate of OSCAR SHUFFMAN,
Appellant.

v.

HARTFORD TEXTILE CORP.
OXFORD CHEMICALS, INC.,
WELLINGTON PRINT WORKS, INC.
Appellee.

A petition for a rehearing having been filed herein by counsel for the appellant.

Upon consideration thereof, it is

Ordered that said petition be and hereby is denied.

/s/ A. Daniel Fusaro
A. Daniel Fusaro, Clerk

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 29th day of May, one thousand nine hundred and eighty.

PRESENT:

HON. IRVING R. KAUFMAN, Chief Judge
HON. WILFRED FEINBERG
HON. WALTER R. MANSFIELD
HON. WILLIAM H. MULLIGAN
HON. JAMES L. OAKES
HON. WILLIAM H. TIMBERS
HON. ELLSWORTH A. VAN GRAAFEILAND
HON. THOMAS J. MESKILL
HON. JON O. NEWMAN
HON. AMALYA L. KEARSE,
Circuit Judges
HON. HENRY F. WERKER,
District Judge

In the Matter of HARTFORD TEXTILE CORP., OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC., Debtors.	79-5060
ROSE SHUFFMAN as Executrix of the Estate of OSCAR SHUFFMAN, Appellant, v. HARTFORD TEXTILE CORP., OXFORD CHEMICALS, INC. WELLINGTON PRINT WORKS, INC., Appellee.	

A petition for rehearing containing a suggestion that the action be reheard in banc having been filed herein by counsel for the appellant, and no active judge or judge who was a member of the panel having requested that a vote be taken on said suggestion,

On consideration thereof, it is

Ordered that said petition be and it hereby is denied.

/s/ A. Daniel Fusaro
A. Daniel Fusaro,
Clerk

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the tenth day of April, one thousand nine hundred and eighty.

In the Matter of HARTFORD TEXTILE CORP., OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC., Debtors.	79- 5060
ROSE SHUFFMAN, As Executrix of the Estate of Oscar Shuffman, Appellant, v. HARTFORD TEXTILE CORP., OXFORD CHEMICALS, INC., WELLINGTON PRINT WORKS, INC., Appellee.	

It is hereby ordered that the motion herein by counsel for the appellant by notice of motion dated April 4, 1980 for an order of recusal of judges and/or stay of oral argument pending petition to the Supreme Court of the United States be and it hereby is denied.

/s/
A. Daniel Fusaro, Clerk

/s/ Arthur Heller
By: Arthur Heller, Deputy Clerk

BEFORE: HON. WILLIAM H. TIMBERS, Cir. Judge
HON. AMALYA L. KEARSE, Cir. Judge
HON. HENRY F. WERKER, Dis. Judge